

but has answered, and thus evinced a disposition to try the cause upon the merits, and therefore it might be proper, if the circumstances in other respects showed the propriety of it, not only to allow alimony, *pendente lite*, but to furnish the wife with the means, out of the pocket of the husband, of conducting her suit.

But, it is said here that the wife has the means, not only of supporting herself whilst the cause is progressing, but also of paying the expense of it, and in this connection, reliance is placed by the counsel for the husband, and as it appears to me, with some degree of reason, upon the circumstance of the disposition manifested by him, to bring the cause to a conclusion.

It may be that the reasons urged on the part of the petitioner, excusing the delay on her part, in preparing the cause for trial, are worthy of consideration, but still they do not satisfactorily account for her delay in filing this petition, or repel the inference thence deducible, that she was not entirely destitute of funds for carrying on the suit, nor do they, by any means, deprive the defendant of the favorable consideration to which his alacrity in pressing the cause on, may be supposed to entitle him. He certainly has shown no disposition to protract the suit, and harass the complainant with costs, or wear out her patience with delay, and, therefore, the court would not feel inclined to press him with any very harsh measure of justice. If the petitioner has the means of carrying on the suit, the rule does not require that the burden should be shifted from her to the defendant, and upon an examination of the record, I am of opinion that she does possess those means.

It would be an useless consumption of time to state, in detail, the grounds of this conclusion, but I am persuaded that the \$300 which she received in March, 1850, and which her husband says she may apply in this way, will at least, for the present, be adequate for this purpose. If her husband had received this money, as in virtue of his marital rights he might, supposing his engagement to invest it for her separate use not binding upon him at law, it could hardly be maintained that he would have been compelled to supply a larger amount to ena-